

AN ACT

relating to the consequences of receiving a grant of deferred adjudication community supervision and successfully completing the period of supervision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 42A.111, Code of Criminal Procedure, is amended by adding Subsection (c-1) and amending Subsection (d) to read as follows:

(c-1) Subject to Subsection (d), an offense for which the defendant received a dismissal and discharge under this article may not be used as grounds for denying issuance of a professional or occupational license or certificate to, or suspending or revoking the professional or occupational license or certificate of, an individual otherwise entitled to or qualified for the license or certificate.

(d) For any defendant who receives a dismissal and discharge under this article:

(1) on conviction of a subsequent offense, the fact that the defendant previously has received deferred adjudication community supervision is admissible before the court or jury for consideration on the issue of penalty;

(2) if the defendant is an applicant for or the holder of a license under Chapter 42, Human Resources Code, the Department of Family and Protective Services may consider the fact that the

1 defendant previously has received deferred adjudication community
2 supervision in issuing, renewing, denying, or revoking a license
3 under that chapter; ~~and~~

4 (3) if the defendant is an applicant for or the holder
5 of a license to provide mental health or medical services for the
6 rehabilitation of sex offenders, the Council on Sex Offender
7 Treatment may consider the fact that the defendant previously has
8 received deferred adjudication community supervision in issuing,
9 renewing, denying, or revoking a license issued by that council;
10 and

11 (4) if the defendant is an applicant for or the holder
12 of a professional or occupational license or certificate, the
13 licensing agency may consider the fact that the defendant
14 previously has received deferred adjudication community
15 supervision in issuing, renewing, denying, or revoking a license or
16 certificate if:

17 (A) the defendant was placed on deferred
18 adjudication community supervision for an offense:

19 (i) listed in Article 42A.054(a);
20 (ii) described by Article 62.001(5) or (6);
21 (iii) committed under Chapter 21 or 43,
22 Penal Code; or

23 (iv) related to the activity or conduct for
24 which the person seeks or holds the license;

25 (B) the profession for which the defendant holds
26 or seeks a license or certificate involves direct contact with
27 children in the normal course of official duties or duties for which

1 the license or certification is required; or
2 (C) the defendant is an applicant for or the
3 holder of a license or certificate issued under Chapter 1701,
4 Occupations Code.

5 SECTION 2. The change in law made by this Act applies only
6 to a defendant placed on deferred adjudication community
7 supervision for an offense committed on or after the effective date
8 of this Act. A defendant placed on deferred adjudication community
9 supervision for an offense committed before the effective date of
10 this Act is governed by the law in effect on the date the offense was
11 committed, and the former law is continued in effect for that
12 purpose. For purposes of this section, an offense was committed
13 before the effective date of this Act if any element of the offense
14 was committed before that date.

15 SECTION 3. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 757 was passed by the House on May 7, 2021, by the following vote: Yeas 141, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 757 on May 28, 2021, by the following vote: Yeas 146, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 757 was passed by the Senate, with amendments, on May 26, 2021, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor